

## **TOWN OF MERRIMAC BOARD OF APPEALS**

Minutes of the August 30, 2003 Meeting

Present: Mary Carol Solum, Chair; Kathy Koepp; Rick Richards; and Ben Malin, Alternate. Also present was Tim McCumber, Zoning Administrator & Secretary.

Solum called the meeting to order at 9:00am. Solum opened by introducing the members of the Board and explaining the purpose of the Board and the procedures for the day. McCumber certified the meeting had been properly noticed and all legally required notices had been timely provided for the matters to be considered by the Board.

The Board discussed site visitation and deemed it unnecessary.

Hearing BA-02-03 was called to order. Vern Young, property owner, described the proposed accessory structure stating his desire was to maintain storage for 2 vehicles, an antique car he was restoring, a boat, and room for additional. Solum expressed concern about the proximity of the lot line in relationship to the proposed structure. Young explained the drawing shows 10 feet but it was actually 11 feet. Solum then asked about the proposed height of nearly 17' feet. Young desired 9-foot side doors as he drove a Ford Expedition, which was rather tall and did not want to brush the antenna against the doors. Richards inquired about the future addition shown on the house. Young gave clarification as to what was shown on the drawing as an addition and where a proposed deck would be installed with the future addition.

There were no persons present who spoke in favor of the project. Those who spoke in opposition were Dennis Erstad, Sue Kay Drive who had general questions about the need for such a large structure and what the future usage might be; and Francis Haig of Grandview Ave. inquired as to why the cement floor had been poured prior to the conditional use permit being granted and felt the project should have been red flagged. McCumber stated that Mr. Young was concerned about his project timeline and had agreed that he understood upon issuance of the permit for the home that if he were allowed to proceed with the floor for the accessory structure that there were no guarantees a building that size could be placed on it. McCumber also stated that the project had, in fact, been red flagged and that is why the Board was meeting at this time. McCumber then read into the record a letter from Allen & Deborah Thude of Itasca, IL an adjacent property owner expressing concern that the building was in contradiction to the covenants of the neighborhood and would not conform to the characteristics of the neighborhood. McCumber also read a letter from Donald & Margaret Herweg of Des Plaines, IL, owner of Lot #6 in Inverness Terrace, citing their opposition to the plans and also claiming the building was in contradiction to the covenants of the development. Irv Silchuck of Point of View Dr. spoke as interest may appear. Mr. Silchuck explained when he developed Inverness Terrace; the covenants were intended to protect the

aesthetics of the neighborhood. Richard Grant of Baltic Ave. spoke as interest may appear to clarify that covenants are recorded as part of the deed on the property and it is the responsibility of the purchaser to become familiar with any such covenants or restrictions. Ken Sorenson of Grandview Ave. stated he mostly was interested in how the building would be utilized. Mr. Young explained the building would match the home and the aesthetics of the neighborhood would not be harmed. He also stated that his intentions were only for storage and to house his hobbies of wood crafting and antique car restoration. As no one else in attendance indicated a desire to speak, Malin motioned to close the hearing, Koepp seconded. Motion unanimously approved.

McCumber opened discussion by clarifying that the issuance of a conditional use permit was discretionary, unlike a variance, which the owner must prove certain conditions exist. The ordinance, as written, was intended to disallow large accessory structures in the residential district, but because there are certain situations, such as larger lots, the ordinance allows for limited flexibility that can be applied through a conditional use permit. That allowance is at the Board's discretion. McCumber also presented a page from the covenants discussed in the hearing, noting that the covenants were not enforceable by this Board, but were offered as a reference to the earlier discussion. McCumber noted that the covenants did allow for a three-car garage, but did not make any reference to size of footprint. Malin stated that he noticed the size of the garage is 80% larger in cubic feet than the main structure being constructed on the property. Malin also expressed the opinion that the building was not consistent with the neighborhood, which would be a departure from the direction town plan and ordinances intended. Koepp said that she felt the building would stick out and not be characteristic of the neighborhood. Richards said that if the structure were allowed, he felt then the Zoning Commission should just change the ordinance because the Board would then have to allow every request that comes before the Board should also be approved. The motion was made by Malin to deny the conditional use permit. Second by Koepp. All four members present voted in favor of the motion. Motion passed.

Motion by Richards to adjourn. Second by Malin. Motion approved.

(See individual decision letters for details of actions taken by the Board held in deliberation on appeals by the Board.)